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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,019	01/20/2000	Yuji Kumakura	1614.1024	3839

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EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 12/12/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/488,019

Applicant(s)

KUMAKURA, YUJI

Examiner

Chuck O Kendall

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

1. This action is in response to the application filed 01/20/00

Claims 1-27 have been examined.

- 2.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Stupek Jr, et al USPN 5,586,304.

#### *Re CLAIM 1, 10 & 19*

Stupek anticipates and information Processor with a control information retrieving part retrieving control information that is used to execute a program; [Stupek 3: 45-52, also see fig 1 for data retriever]

a destination defining part defining destination address information ; [Stupek 2:5-10 see resource location]

a moving part moving the program in accordance with the destination address information; and [Stupek 2:5-10 see upgrade information with respect to resource]

a control information changing part changing the control information based on the destination address information. [Stupek 2:1-10 see Later version, also refer to *abstract, and claim 1 for replacing*]

*Re CLAIM 2, 11, & 20*

The information processor as claimed in claim 1, wherein said control information comprises current address information indicating where the program is stored in a storage device, and wherein said control information changing part comprises a replacing part replacing the current address information with the destination address information to which the program is moved.

[Stupek 1: 55-67 for upgrade, which is interpreted as replacing current address information, also see 2:1-10 for Later version, also refer to *abstract, & claim 1*]

*Re CLAIM 3, 12, & 21*

The information processor as claimed in claim 1, wherein said control information is generated when said program is installed into a storage device. [Stupek 2:1-15 see CD-ROM]

*Re CLAIM 4, 13 & 22*

The information processor as claimed in claim 1, wherein said control information is referred to when said program is executed. [Stupek 4:30-43 see upgrade & executed at *installation* as interpreted by examiner]

*Re CLAIM 5, 14 & 23*

The information processor as claimed in claim 1, wherein said control information is stored in a file referred to by other programs, and the file includes a plurality of control information to execute the other programs. [Stupek 6:10-30, see Upgrade Database, upgrade packages and dependencies, as interpreted]

*Re CLAIM 6, 15, & 24*

The information processor as claimed in claim 1, wherein said control information comprises definition information including at least one destination address information related to the program and including at least one definition name uniquely assigned to the destination address information, and wherein said control information changing part comprises a changing part changing said control information based on said definition information. [Stupek 2:5-40 for definition information, see upgrade information as interpreted by examiner, and also see location for destination address as interpreted by examiner]

*CLAIM 7, 16, & 25*

The information processor as claimed in claim 1, wherein said control information comprises:

current address information indicating where the program is stored in a storage device; [Stupek 2:5-15 see CD-ROM and location for destination address as interpreted by examiner]

definition information including at least one destination address information related to the program and including at least one definition name uniquely assigned to the destination address information, wherein said moving part comprises:

a copying part retrieving the current address information corresponding to said definition name included in said control information in accordance with said definition information and copying all information, which is stored at a current address indicated by the current address information, in accordance with the destination address information; and [ see Claim 48, which references Claim 35, for copy and install information]

[Stupek 2:5-40 for definition information, see upgrade information and later version resource, as interpreted by examiner, and also see location for destination address as interpreted by examiner]

a deleting part deleting all information stored at the current address, and wherein said control information changing part: comprises: [Stupek 5: 50-54].

a changing part changing the current address information included in said control information based on the destination address information included in said definition information. [Stupek 2:1-10 see Later version, also refer to *abstract, and claim 1 for replacing*]

*CLAIM 8, 17, & 26*

The information processor as claimed in claim 1, wherein said control information comprises:

program information to execute the program;

[Stupek 4:30-43 see upgrade & executed at *installation* as interpreted by examiner]

and data information related to data created or edited by executing said program, and wherein said moving part comprises: [Stupek 2:5-10 see upgrade information with respect to resource]

a program moving part moving the program;[moving as interpreted by examiner is upgrading or replacing previous address/location/or target program or computer using upgrade or install disk or Database, refer to upgrade as cited, Stupek 2:5-10 see upgrade information, also refer to storage for older versions 5:53-58]

and [Stupek 2:5-10 see upgrade information with respect to resource]

a data moving part moving the data when the program is moved by said program moving part.[6:10-30,see upgrade objects,as interpreted these are portions/parts/components within structure which can be moved/upgraded/copied etc as indicated by upgrade advisor, see Fig 1]

*CLAIM 9, 18, & 27*

The information processor as claimed in claim 1, further comprising an installing part installing said program. [Stupek 2:10-15]

### *Correspondence Information*

Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall

who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

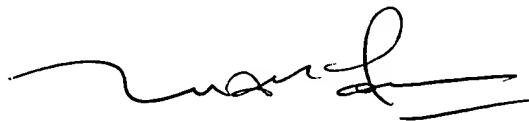
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Kevin Teska* may be reached at (703) 305-9704.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*For facsimile (fax) send to 703-7467239 official and 703-7467240*  
*draft*

*Chuck O. Kendall*

*Software Engineer Patent Examiner  
United States Department of Commerce*

  
**TUAN Q. DAM  
PRIMARY EXAMINER**